

1 Ahren A. Tiller, Esq. [SBN 250608]  
2 BLC LAW CENTER, APC  
3 1230 Columbia St., Suite 1100  
4 San Diego, CA 92101  
5 Telephone No. (619) 894-8831  
6 Facsimile No. (866) 444-7026  
Email: ahren.tiller@blc-sd.com

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8 Attorneys for Creditors  
9 JAIME RODRIGUEZ, and  
ANA LIDIA GOMEZ

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**UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SANTA ANA DIVISION**

13 In re

14 THE ORIGINAL MOWBRAY'S TREE  
15 SERVICE, INC., a Delaware corporation

16 Debtor and  
17 Debtor-in-Possession,

18 BK Case No.: 8:24-bk-12674-TA

19 Chapter 11

20 **DECLARATION OF AHREN A. TILLER  
IN SUPPORT OF MOTION TO APPOINT  
A CHAPTER 11 TRUSTEE PURSUANT  
TO 11 U.S.C. 1104(a); AND MOTION TO  
SUBSTANTIVELY CONSOLIDATE  
PINO TREE SERVICES, INC.,  
MOWBRAY WATERMAN PROPERTY,  
LLC, AND PHOENIX TRAFFIC  
MANAGEMENT, INC. WITH THE  
DEBTOR IN THIS BANKRUPTCY CASE**

21 Date: March 5, 2025

22 Time: 10:00am

23 Location: 411 West Fourth St. Ctrm 5B  
Santa Ana, CA 92701

24  
25 Hon. Theodor C. Albert

**DECLARATION OF AHREN TILLER**

26 I, AHREN A. TILLER, am the attorney of record for JAMIE RODRIGUEZ and ANA  
27 LIDIA GOMEZ (hereinafter referred to as "Movants") in the above-referenced case. I offer this  
28 declaration in support of Movants' Motion to Appoint A Chapter 11 Trustee Pursuant to 11 U.S.C.

1 1104(A); And Motion To Substantively Consolidate Pino Tree Services, Inc., Mowbray Waterman  
2 Property, LLC, And Phoenix Traffic Management, Inc. With the Debtor's Bankruptcy Case  
3 (hereinafter referred to as the "Motion"). I am over the age of 18 years of age, and I am admitted to  
4 practice law in the United States District Court for the Central District of California as well as the  
5 United States Bankruptcy Court for the Central District of California. I possess personal knowledge  
6 regarding the facts contained within this Declaration, and I am thus competent to testify hereto as  
7 follows. I do hereby Declare as follows:

- 8 1. I am readily familiar with our office's routine business practices and record-keeping in the  
9 ordinary course of business. I offer this declaration in support of Movants Motion.
- 10 2. Attached and marked for identification purposes as "**Exhibit 1**," filed concurrently with the  
11 Motion is a Transcript of the first 341(a) Meeting of Creditors in this Bankruptcy Case, held  
12 on December 6, 2024, at 10:00 am. It was transcribed by Holly Steinhauer of Briggs  
13 Reporting Company, Inc. Exhibit 1 is a true, correct and unaltered copy of the 341(a)  
14 Transcript by Ms. Steinhauer, which she complied from the audio recordings provided by  
15 the United States Trustee's Office.
- 16 3. Attached and marked for identification purposes as: "**Exhibit 2**," filed concurrently with the  
17 Motion is a true, correct and unaltered copy of the December 20, 2024, Letter drafted by  
18 Robert Marticello, Counsel for the Debtor. The December 20, 2024, Letter was sent to the  
19 Office of the United States Trustee as well as myself and other attorneys for creditors of the  
20 Debtor in response to questions stemming from the initial 341(a) Meeting of Creditors. Mr.  
21 Marticello began the letter stating that it contained "(1) a description of the efforts of The  
22 Original Mowbray's Tree Service, Inc. (the "Debtor"), ***to downsize its operations within the***  
23 ***one-year period prior to the October 18, 2024 petition date (the "Petition Date"); and (2)***  
24 ***a summary of the loans between the Debtor and certain affiliates*** listed in the Debtor's  
25 Schedule A/B [Docket No. 170] at 15 of 166, Part 11, No. 71." At the continued 341(a)  
26 Meeting of Creditors held on January 3, 2025, Brian Weiss the CRO for the Debtor testified  
27 in response to questions by Kenneth Misken, Esq. of the United States Trustee's Office that  
28 Mr. Weiss had reviewed the December 20, 2024 Letter written by Mr. Marticello, and stated

1 under oath, under penalty of perjury, that the letter marked as “**Exhibit 2**” along with its  
2 attachments, was true and correct, and adopted said letter as Mr. Weiss’s testimony at the  
3 continued 341(a) Meeting. Mr. Weiss had no changes to the December 20, 2024 Letter (See  
4 Ex. 3 – Continued 341(a) Transcript, pp. 4, lns. 1-9).

5 4. Attached and marked for identification purposes as: “**Exhibit 3**,” filed concurrently with the  
6 Motion is a Transcript of the continued 341(a) Meeting of Creditors in this Bankruptcy  
7 Case, held on January 3, 2025, at 10:00 am. It was transcribed by Holly Steinhauer of  
8 Briggs Reporting Company, Inc. It is a true, correct and unaltered copy of the continued  
9 341(a) Transcript by Ms. Steinhauer, which she transcribed from a true and correct audio  
10 recording provided to my office by the United States Trustee’s Office.

11 5. Attached and marked for identification purposes as: “**Exhibit 4**,” filed concurrently with the  
12 Motion is a true, correct, and unaltered copy of the 2024 Management Fee Agreement  
13 between Pino Tree Service Inc. and The Original Mowbray’s Tree Service, Inc, dated  
14 January 1, 2024. This document was included as “Exhibit B” to the December 20, 2024,  
15 Letter by Robert Marticello referenced above.

16 6. Attached and marked for identification purposes as: “**Exhibit 5**,” filed concurrently with the  
17 Motion is a true, correct, and unaltered copy of the Line of Credit Agreement between Pino  
18 Tree Service, Inc. and The Original Mowbray’s Tree Service, Inc, dated January 1, 2024.  
19 This document was included as “Exhibit A” to the December 20, 2024, Letter by Robert  
20 Marticello referenced above.

21 7. Attached and marked for identification purposes as: “**Exhibit 6**,” filed concurrently with the  
22 Motion is a true, correct, and unaltered copy of the Guaranty and Suretyship Agreement  
23 between Mowbray Waterman Property, LLC, and PNC Bank, National Association. This  
24 document was turned over in discovery by the Debtor during the course of litigation, in the  
25 *Ronnie D. Jordan v. The Original Mowbray’s Tree Service, Inc.*, No. CIVSB2201281, filed  
26 in the Superior Court of California for the County of San Bernardino.

27 8. Attached and marked for identification purposes as: “**Exhibit 7**,” filed concurrently with the  
28 Motion is a true, correct, and unaltered copy of the LLC-1 and Statement of Information on

1 file with the California Secretary of State for Mowbray Waterman Property, LLC. I  
2 retrieved this document on January 24, 2025 via the public available CA Secretary of State  
3 web portal (<https://bizfileonline.sos.ca.gov/search/business>). This document is publicly  
4 available and readily verifiable.

5 9. Attached and marked for identification purposes as: “**Exhibit 8**,” filed concurrently with the  
6 Motion is a true, correct, and unaltered copy of publicly available Title Records of real  
7 estate currently owned by Mowbray Waterman Property, LLC. I retrieved the documents  
8 from First American Title on January 16, 2025. Included with the search are Transaction  
9 History Reports and Grant Deeds for the real estate parcels currently owned by Mowbray  
10 Waterman Property, LLC. The following documents and records contained in the Exhibit  
11 are publicly available and readily verifiable records, which have been publicly recorded at  
12 the San Bernardino County and Sacramento County Recorder’s Offices.

13 10. Attached and marked for identification purposes as: “**Exhibit 9**,” filed concurrently with the  
14 Motion is a true, correct, and unaltered copy of a series of parcel maps obtained through  
15 First American Title for records of real estate tracts and parcels adjacent to one another and  
16 owned by Mowbray Waterman Property, LLC, Original Mowbray’s Tree Service, and the  
17 John W. Mowbray and Gloria D. Mowbray, along with the accompanying Grant Deeds. I  
18 retrieved the documents from First American Title on January 31, 2025. The documents  
19 contained in the Exhibit are publicly available and readily verifiable records, which have  
20 been publicly recorded at the San Bernardino County Recorder’s Offices.

21 11. Attached and marked for identification purposes as: “**Exhibit 10**,” filed concurrently with  
22 the Motion is a true, correct, and unaltered copy of the Loan Agreement between The  
23 Original Mowbray’s Tree Service, Inc, and Mowbray Waterman Property, LLC, dated  
24 December 31, 2020. This document was included as “Exhibit E” to the December 20, 2024,  
25 Letter by Robert Marticello referenced above.

26 12. Attached and marked for identification purposes as: “**Exhibit 11**,” filed concurrently with  
27 the Motion is a true, correct, and unaltered copy of a Transaction History Report for real  
28 estate parcels with APN 0136-251-29-000 and 066-0010-032-000. The Exhibit additionally

1 contains a copy of the Deed of Trust and Security Agreement recorded by PNC Bank on the  
2 real estate, recorded on July 18, 2024. I obtained the documents from First American Title  
3 on January 15, 2025. These documents are publicly available and readily verifiable records,  
4 which have been publicly recorded at the San Bernardino County Recorder's Offices.

5 13. Attached and marked for identification purposes as: "**Exhibit 12**," filed concurrently with  
6 the Motion is a true, correct, and unaltered copy of a Transaction History Report for a real  
7 estate parcels with APN 0168-071-062-0000. The Exhibit additionally contains copies of the  
8 recorded Quit Claim Deeds and Deeds of Trust for the Parcel. I obtained the documents  
9 from First American Title on January 16, 2025. These documents are publicly available and  
10 readily verifiable records, which have been publicly recorded at the San Bernardino County  
11 Recorder's Offices.

12 14. Attached and marked for identification purposes as: "**Exhibit 13**," filed concurrently with  
13 the Motion is a true, correct, and unaltered copy of search reports of the California Secretary  
14 of State's Uniform Commercial Code database (<https://bizfileonline.sos.ca.gov/search/UCC>)  
15 for Phoenix Traffic Management, and Mowbray Waterman Properties. I obtained these  
16 documents on January 16, 2025. The results shown are all publicly available and readily  
17 verifiable publicly filed UCC-1 records recorded with the California Secretary of State's  
18 Office.

19 15. Attached and marked for identification purposes as: "**Exhibit 14**," filed concurrently with  
20 the Motion is a true, correct, and unaltered copy of search reports of the California Secretary  
21 of State's Uniform Commercial Code database (<https://bizfileonline.sos.ca.gov/search/UCC>)  
22 for Pino Tree Service, Inc.. I obtained these documents on January 30, 2025. The results  
23 shown are all three (3) of publicly available and readily verifiable publicly filed UCC-1  
24 records recorded with the California Secretary of State's Office against Pino Tree Services,  
25 Inc, which I attached to the search results on page one of Exhibit 14, as pages 2-4.

26 16. Attached and marked for identification purposes as: "**Exhibit 15**," filed concurrently with  
27 the Motion is a true, correct, and unaltered copy of California Secretary of State's records  
28 for Phoenix Traffic Management, bearing entity No C4717822. I obtained the documents

1 from the California Secretary of State web portal  
2 (<https://bizfileonline.sos.ca.gov/search/business>). The documents containing the UCC-1  
3 Lien Search, and resulting three (3) UCC-1 Liens are included in Exhibit 14, and are  
4 publicly available and readily verifiable records, which have been publicly recorded at the  
5 California Secretary of State's Office.

6 17. Attached and marked for identification purposes as: "**Exhibit 16**," filed concurrently with  
7 the Motion is a true, correct, and unaltered copy of a Transcript of the May 30, 2023,  
8 Deposition of Robin Mowbray taken during the litigation of *Ronnie D. Jordan v. The*  
9 *Original Mowbray's Tree Service, Inc.*, No. CIVSB2201281, filed in the Superior Court of  
10 California for the County of San Bernardino. The testimony contained in the transcript by  
11 Robin Mowbray was taken under the penalty of perjury of the laws of the State of  
12 California. The Transcript was compiled by Kieu Pham, CSR No 13667.

13 18. Attached and marked for identification purposes as: "**Exhibit 17**," filed concurrently with  
14 the Motion is a true, correct, and unaltered copy of the Buyer's Final Settlement Statement  
15 dated July 8, 2020, for the real estate commonly known as 686 East Mill St San Bernardino,  
16 CA 92408. This document was included as "Exhibit M" to the December 20, 2024, Letter  
17 by Robert Marticello referenced above.

18 19. Attached and marked for identification purposes as: "**Exhibit 18**," filed concurrently with  
19 the Motion is a true, correct, and unaltered copy of the October 18, 2024 Declaration of  
20 Ruben Sainos, who is the Chief Financial Officer (CFO) of the Debtor, Pino Tree Service,  
21 Inc., Phoenix Traffic Management, Inc. and Mowbray Waterman Property, LLC. Exhibit 18  
22 was filed on this Court's docket as ECF Docket No. 3 on October 18, 2024 in this  
23 Bankruptcy Case: 8:24-bk-12674-TA. This document is easily ascertainable and verifiable  
24 via a search of this Court's own docket on www.pacer.gov. In said declaration, Mr. Sainos  
25 stated, "**The intercompany transactions discussed herein are an essential component of**  
26 **the Debtor's operations and cash flow.** As reflected in the Budget, the Debtor is paid  
27 weekly by PTS for the services discussed above and in repayment of the line of credit by the  
28 Debtor to PTS. **To the extent that such intercompany transactions are to continue post-**

1           

*petition in the ordinary course, they are included in the Budget and are being paid for in*  
2           

*cash.*” (Ex. 18, ¶ 22 [emphasis added]).

3           20. Attached and marked for identification purposes as: “**Exhibit 19**,” filed concurrently with  
4           the Motion is a true, correct copy of the Debtor’s Schedule A/B. Exhibit 19 was filed on  
5           this Court’s docket as ECF Docket No. 170 on October 18, 2024 in this Bankruptcy Case:  
6           8:24-bk-12674-TA, pages 10-17 of pages 166. I highlighted the references to the Debtor’s  
7           Bank Account balances on page 10 and 17, and the outstanding loans owed to the Affiliates  
8           listed on Line. 71. Pages 15 of 166.

9           21. Attached and marked for identification purposes as: “**Exhibit 20**,” filed concurrently with  
10          the Motion is a true, correct copy of the Debtor’s Statement of Financial Affairs, pages 160-  
11          161. Exhibit 20 was filed on this Court’s docket as ECF Docket No. 170 on October 18,  
12          2024 in this Bankruptcy Case: 8:24-bk-12674-TA, pages 160-161 of pages 166.

13          22. Attached and marked for identification purposes as: “**Exhibit 21**,” filed concurrently with  
14          the Motion is a true, correct copy of the Debtor’s Rule 2015.3 Report (Official Form 426)  
15          “Periodic Report Regarding Value, Operations, and Profitability of Entities in Which the  
16          Debtor’s Estate Holds a Substantial or Controlling Interest for Pino Tree Services, Inc.” filed  
17          regarding Pino Tree Services, Inc., on December 19, 2024, on this Court’s docket as ECF  
18          Docket No. 224 in this Bankruptcy Case: 8:24-bk-12674-TA, pages 1-21.

19  
20          I declare under the penalty of perjury under the laws of the United States that the foregoing  
21          is true and correct.

22          Dated: February 7, 2025,

*s/ Ahren A. Tiller*  
[ahren.tiller@blc-sd.com](mailto:ahren.tiller@blc-sd.com)

23           Ahren A. Tiller  
24           BLC Law Center, APC  
25           Attorneys for Creditors / Movants  
26           JAIMIE RODRIGUEZ, and  
27           ANA LIDIA GOMEZ